

WILMERHALE

September 18, 2020

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VIA ECF

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The Honorable Robert D. Mariani
U.S. District Court for the Middle District of Pennsylvania
William J. Nealon Federal Building & U.S. Courthouse
235 N. Washington Avenue
Scranton, PA 18503

Re: *CFPB v. Navient Corp., et al.*, Case No. 3:17-CV-00101-RDM

Dear Judge Mariani:

As the parties in this matter recently completed substantial briefing on summary judgment and other matters, I write on behalf of Defendants to provide, for the Court's and the Special Master's convenience, a report outlining the status of this case.

There are presently three dispositive motions before the Court:

(1) Defendants' Motion for Judgment on the Pleadings (Doc. 504, 7/10/20) based on the recent Supreme Court decision in *Seila Law LLC v. CFPB*, 140 S. Ct. 2183 (2020). This motion presents a threshold issue of whether the CFPB may proceed with this lawsuit in light of the *Seila Law* decision.

(2) Defendants' Motion for Summary Judgment (Doc. 469, 5/19/20).

(3) CFPB's Motion for Summary Judgment (Doc. 468, 5/19/20).

There are two discovery disputes presently briefed:

(1) CFPB's Objections to Special Master's Order Denying Request to Disqualify Dr. Ang (Doc. 459, 4/9/20). Further expert discovery related to Dr. Ang is currently on hold pending resolution of the CFPB's objections.

(2) CFPB's Letter Re: Privilege Dispute (Doc. 519, 7/31/20).

There are three pending evidentiary motions, two of which relate to the summary judgment motions noted above:

(1) CFPB's Motion in Limine to Preclude Evidence from Outside the Relevant Time Period (Doc. 391, 1/10/20).

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(2) Defendants' Motion to Strike Declarations of Ebony Johnson and Christopher Albanese (Doc. 507, 7/16/20).

(3) Defendants' Motion to Strike Plaintiff's Response to Defendants' Statement of Undisputed Material Facts (Doc. 524, 8/18/20).

Defendants understand that significant judicial resources have already been expended on this complex matter and that many other important matters have been both assigned and reassigned to the Court over the last three years. Since the appointment in January 2019 (Doc. 158), Special Master Vanaskie also dedicated very significant time and effort to addressing fact and expert discovery matters. During that effort, the Special Master issued (18) eighteen Special Master Reports (only one of which was appealed) and (74) seventy-four Special Master Orders, and developed intimate familiarity with the extensive factual record, expert discovery, and legal issues.

For all of these reasons, Defendants remain amenable to the Special Master hearing and rendering Special Master Reports on any motions that he has not already decided in the first instance, which includes all the motions described above other than Doc. 459 and the portion of Doc. 391 that objects to the Special Master's discovery ruling.

Respectfully submitted,

/s/ Daniel P. Kearney

cc: The Honorable Thomas I. Vanaskie (Ret.) (via ECF and E-mail)